E/S Raphel Road, 275' N of 5th Councilmanic District James Stadler, et al

IN RE: PETITION FOR SPECIAL HEARING * BEFORE THE

* DEPUTY ZONING COMMISSIONER * OF BALTIMORE COUNTY * Case No. 91-209-SPH

Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a special hearing to approve an amendment to the previously approved site plan in Case No. 89-190-X to comply with an approved CRG Plan, and to approve an extension of the time period for utilization of the special exception granted therein from two to four years, or in the alternative, to find that the improvements made to the site constitute utilization of said special exception within the period allowed by law, in accordance with Petitioner's Exhibit 1.

The Petitioners, by James Stadler, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petition were Kim Stadler, Mary Frances Shepperd, Bill Button, residents of the area and members of the Kingsville Community Association, and Joseph Larson, Engineer. Appearing as an interested party was Mary Emerick, Aide to Councilman Vincent J. Gardina. There were no Protestants.

Testimony indicated that the subject property consists of 102 acres zoned R.C. 5 and is located off of Raphel Road at Mt. Vista Road Said property was the subject matter of previous Case No. 89-190-X in which a special exception for a golf course was granted in accordance with the site plan submitted therein on December 16, 1988. The special exception was granted subject to restrictions including, but not limited to, CRG approval without a waiver. Petitioners subsequently filed and re-

2) Petitioners shall comply with all requirements of

the Zoning Plans Advisory Committee as set forth in their comments submitted in Case No. 89-190-X, includ-

ing, but not limited to, the comments submitted by the

Department of Environmental Protection and Resource Management (DEPRM) dated October 3, 1988 and the Of-

3) Petitioners shall landscape the property at a minimum as set forth in Petitioner's Exhibit 5 and 6

submitted in previous Case No. 89-190-X. Petitioners

shall provide additional landscaping, as may be deemed

appropriate by the Landscape Planner in the Office of

Current Planning, to buffer the property along Raphael

Road, including, but not limited to, the parking areas.

4) Petitioners shall provide the low-profile, cutoff

lighting fixtures as depicted in Petitioner's Exhibit

6 submitted in previous Case No. 89-190-X for the parking lot and shall take whatever steps necessary to

insure the lighting does not reflect onto adjoining

5) Light fixtures shall not exceed 12 feet in height

unless approved for higher by CRG. However, in no

6) There shall be no lighting for the driving range

7) The hours of operation shall not exceed 6:00 AM

8) The golf course and ancillary uses shall be used

only between April 1 and October 31, of any given year

9) The area designated as existing woods on Petition-

er's Exhibit 5 submitted in Case No. 89-190-X shall

remain open and undeveloped unless modified by a spe-

10) Petitioners shall take whatever steps necessary

to insure that the entrance to the property is locked

11) When applying for a building permit, the site

plan and landscaping plan filed must reference this

case and set fgorth and address the restrictions of

- 5-

() Maistrans

Deputy Zoning Commissioner

ANN M. NASTAROWICZ

for Baltimore County

unless hereinafter modified after a special hearing.

event shall the height exceed 15 feet.

unless modified after a special hearing.

residential properties.

each evening by 9:30 PM.

to 9:00 PM.

this Order.

fice of Planning comments dated November 28, 1988.

ceived CRG approval on October 25, 1990. However, the CRG approved plan required additional modifications to the site plan as set forth on Petitioner's Exhibits 1 and 4 submitted hereto. The testimony and evidence presented indicated that the current site plan in no way requires any modification of any of the other restrictions set forth in the Order issued in Case No. 89-190-X. In fact, the testimony indicated that the landscaping has increased.

Turning to the issue on Petitioners' request for an extension of the time period for utilization of the special exception previously granted from two to four years, or in the alternative, to find that the improvements made to the site constitute utilization of said special exception within the period allowed by law, the undisputed testimony was that Petitioners diligently pursued obtaining CRG approval and approval from the various departments involved in the construction of a golf course on the subject site. Further, prior to the expiration of the two year period, Petitioners filed a request for an extension of the period for utilization of the special exception previously granted and on November 30, 1990 were granted an extension from December 16, 1990 through February 28, 1991, pending the outcome of the instant hearing. Testimony indicated that the reasons for lack of commencement of the subject project, other than for grading and landscaping, were not due to lack of interest but to the lengthy review process necessitated by the proposed project. Testimony indicated that Petitioners expected the first nine holes of the golf course to be completed by December 31, 1991 and the second nine holes will be completed by December 31, 1992. The clubhouse will not be constructed until Spring, 1992. Petitioners questioned through Counsel whether or not laying the footings for the clubhouse would be necessary to be considered utilization of the special exception pursuant to Section 502.3 of the Baltimore County Zoning Regulations (B.C.Z.R.). At this time there has been some grading and landscaping of the property. Testimony indicated that construction of the first nine holes and driving range would commence

It was explained at the hearing that each case must be determined on its own merits. After reviewing the testimony and evidence presented, including the work done to date plus the intended opening of the first nine holes and driving range before the end of December 31, 1991, it is the opinion of the Deputy Zoning Commissioner that utilization of the special exception as required by Section 502.3 of the B.C.Z.R. will be met if Petitioner diligently pursues construction as testified at the hearing. Clearly, the clubhouse need not be constructed for there to be utilization.

It is clear that the B.C.Z.R. permits the use proposed in an R.C.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions delineated in Section 502.1 are satisfied and will not be adversely affected by the proposed modifications to the site plan previously approved in Case No. 89-190-X.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a spe-

- 3-

verse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the relief requested in the special hearing should be granted with certain restrictions as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this day of February, 1991 that the Petition for Special Hearing to approve an amendment to the previously approved site plan in Case No. 89-190-X to comply with an approved CRG Plan, and to approve an extension of the time period for utilization of the special exception granted therein from two to three years, until December 16, 1991 in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

> 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

> > - 4-

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

February 12, 1991

111 West Chesapeake Avenue

Towson, MD 21204

887-3353

Howard L. Alderman, Jr., Esquire 305 W. Chesapeake Avenue, Suite 113 Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING E/S Raphel Road, 275' N of Mt. Vista Road (Mt. Vista Greens) 11th Election District - 5th Councilmanic District James Stadler, et al - Petitioners Case No. 91-209-SPH

Dear Mr. Alderman:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

and H Nistrary

ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: Ms. Mary Francis Shepperd 11802 Belair Road Kingsville, Md. 21087

Mr. Kenneth Holt, President Greater Kingsville Civic Assoc. c/o P.O. Box 221, Kingsville, Md. 21087 Mr. Kevin Lindsey

11022 Raphael Road Upper Falls, Md. 21156

People's Counsel File

Ms. Mary Emerick 3735 Gibbons Avenue Baltimore, Md. 21206

7419 Goettner Road Kingsville, Md. 21087 Ms. Charlotte Pine

607 Baltimore Avenue Towson, Md. 21204

> ANY TIME OR DAY THR HRNGTIME PEKHA.

Z.C.O.-No. 1

PETITION FOR SPECIAL HEARING TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve _____

an amendment to the site plan approved in Case No. 89-190-X to comply with an approved CRG Plan, and to approve an extension of the time period for utilization of the special exception granted previously in Case No. 89-190-X from two to four years, or in the alternative, to find that the improvements made to the site constitute utilization of said special exception within the period allowed by law.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions. tions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:	Legal Owner(s):	MEIZS + 12
	JAMES STADLER	D-4
(Type or Print Name)	(Type or Print Name)	
	Sams Tado	5. D
Signature	Signature	DATE 125-7
	PAUL STADLER	200 Just
Address	(Type or Print Name)	1000
	Paul Stades	506
City and State	Signature	
Attorney for Petitioner:	_	
Howard L. Alderman, Jr.	11118 Reynolds Road	592-9200
(Type or Print Name) /	Address Ph	one No.
(Vouser) allerman ()	Bradshaw, Maryland 21021	
Signature Levin & Gann, P.A.	City and State	
305 W. Chesapeake Ave. #133	Name, address and phone number of legal owner, con- tract purchaser or representative to be contacted	
Towson, Maryland 21204	Howard L. Alderman, Jr., Esq.	
City and State 321-0600 Attorney's Telephone No.:	Name Levin & Gann, P.A. 305 W. Chesapeake Ave. #113 Address Phone No. Towson, MD 21204 321-0600	

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day

that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughbut Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore

Zoning Commissioner of Baltimore County.

SUITE 107 - JEFFERSON BUILDING 105 W. CHESAPEAKE AVENUE

ROBERT E. SPELLMAN, P.L.S. HENRY M APPEL ALFRED F. JUNGERS, P.L.S.

DESCRIPTION FOR A SPECIAL EXCEPTION TO ZONING - STADLER PROPERTY - RAPHAEL ROAD, 11TH DISTRICT, BALTIMORE COUNTY, MD

TOWSON, MARYLAND 21204

Beginning for the same at a point on the East side of Raphael Road at the distance of 275 feet, more or less, Northerly along the East side of Raphael Road from the centerline of Mt. Vista Road and running thence at right angles to Raphael Road North 85 Degrees 39 Minutes 34 Seconds West 2603.19 feet thence South 02 Degrees 59 Minutes 03 Seconds East 1236.74 feet South 88 Degrees 04 Minutes 03 Seconds West 492.73 feet South 02 Degrees 41 Minutes 59 Seconds East 434.64 feet South 02 Degrees 59 Minutes 55 Seconds East 73.39 feet and South 85 Degrees 45 Minutes 53 Seconds West 2235.95 feet to the East side of Raphael Road herein referred to and running thence and binding on the East side of Raphael Road North 24 Degrees 26 Minutes 05 Seconds West 92.44 feet Northwesterly by a curve to the right with a radius of 490.00 feet the distance of 245.13 feet (the cord of the arc bears North 10 Degrees 02 Minutes 41 Seconds West 243.55 feet) and North 04 Degrees 20 Minutes 43 Seconds: East 1645.92 feet to the place of beginning.

Containing 110 acres of land, more or less.

7729788

RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN . LAND SURVEYING LAND PLANNING . SUBDIVISION LAYOUT . FEASIBILITY STUDIES . ESTIMATING GRADING STUDIES . LOCATION SURVEYS . FECHNICAL CONSULTATION

ZONING DEPARTMENT OF BALTIMORE COUNTY 91-219-5P#

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was publish-

ed in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES

REPORTER, weekly newspapers published in Baltimore County, Md.,

once in each of _______ successive weeks, the first publication appearing

NORTHEAST TIMES BOOSTER and the

NORTHEAST TIMES REPORTER

887-3353

on_12-27,1990.

Date of Posting //14/91 Posted for: Spocial Hearing

Petitioner: Tamos & Paul Stadler

Location of property: F/S Raph and Rec., 175 N/M/ Vista Re Location of Signs Facing Rephant Rd. et intorsection of MI Visto Rd. on Flog Rephant Rd. Number of Signs: ____/_

NOTICE OF HEARING The Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case number: 91-209-SPH
E/S Raphael Road, 275' N
Mt. Vista Road
11th Election District
5th Councilmanic
Petitioner(s):
James and Paul Stadler
Hearing Date: Thursday,
Jan. 31, 1991 at 9:30 a.m. Speci Special Hearing: An amendan appro an approved GRG plan, and to approve approve an extension of the time period fc period for utilization of the special exceptio exception granted previously in Case #E Case #89-190-X from two to four years, or years, or in the alternative, to find that the that the improvements made to the site the site constitute utilization of the site the site constitute utilization of said spe said special exception within the period all period allowed by law. J. ROBERT HAINES

Zoning Commissioner of Baltimore County N/J/12/2 N/J/12/295 Dec. 27.

111 West Chesapeake Avenue

Towson, MD 21204

December 11, 1990

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Case Number: 91-209-SPH E/S Raphael Road, 275' N Mt. Vista Road 11th Election District - 5th Councilmanic Petitioner(s): James and Paul Stadler HEARING: THURSDAY, JANUARY 31, 1991 at 9:30 a.m.

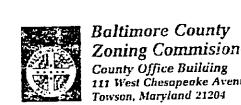
An amendment to the site plan approved in Case #89-190-X to comply with an approved GRG plan, and to approve an extension of the time period for utilization of the special exception granted previously in Case #89-190-X from two to four years, or in the alternative, to find that the improvements made to the site constitute utilization of said special exception within the period allowed by law.

J. Robert Sprines J. ROBERT HAINES Zoning Commissioner of

James and Paul Stadler

Baltimore County

Howard L. Alderman, Jr., Esq.



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Hearing Date: Thursday, Jan. 31, 1991 at 9:30 a.n

Special Hearing: An amendment to the site plan approved in Case #83-190-X to comply with an approved GRG plan, and to approve an extension of the time time.

exception granted previously in Case #89-190-X from two to four

that the improvements made to the site constitute utilization of said special exception within the period allowed by law.

Zoning Commissioner of Baltimore County N/J/12/295 Dec. 27.

J. ROBERT HAINES

111 West Chesapeake Avenue

Howard L. Alderman, Jr. Levin & Gann, P.A.

Towson, MD 21204

Dear Mr. Alderman:

requested zoning.

scheduled accordingly.

JED:jw

Enclosures

cc: Mr. James Stadler

11118 Reynolds Road Bradshaw, MD 21021

305 W. Chesapeake Avenue

Towson, MD 21204

Zoning Commissioner County Office Building 111 West Chesapeake Avenue

CAST TRACE OF TWO LIPERS FROM HER

5%454#3054MICHRS Please Make Checks Payable To: Baltimore County 111:4 TAM12-84-90

Account: R-001-6150

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of _____ successive weeks, the first publication appearing on 12-37, 19 96

THE JEFFERSONIAN,

5. Zehe Den

887-3353

Baitimore County Government

Zoning Commissioner Office of Planning and Zoning

January 24, 1991

Petitioner: James Stadler

The Zoning Plans Advisory Committee has reviewed the plans submitted

with the above referenced petition. The following comments are not

intended to indicate the appropriateness of the zoning action

requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the

Zoning Commissioner with recommendations as to the suitability of the

Enclosed are all comments submitted from the members of the Committee

at this time that offer or request information on your petition. If

similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative

will be placed in the hearing file. This petition was accepted for

filing on the date of the enclosed filing certificate and a hearing

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS

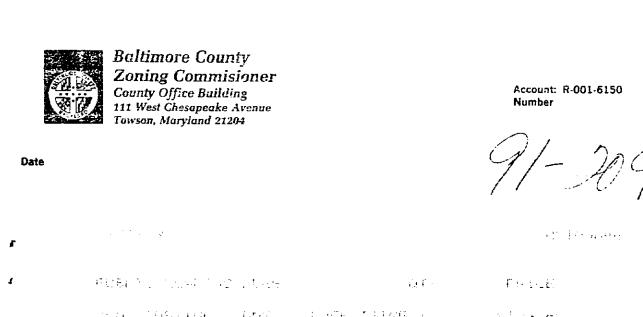
Very truly yours,

Zoning Plans Advisory Committee

REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Petition for Special Hearing

RE: Item No. 232, Case No. 91-209-SPH



8 #304#8859406#R8

DATE: 1/22/91 to the second of the second of

ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE

Please be advised that \$104.60 is due for advertising and posting of the above

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

887-3353

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER

BALTIMORE COUNTY, MARYLAND

cc: Howard L. Alderman, Jr., Esq.

111 West Chesapeake Avenue

Towson, MD 21204

James and Paul Stadler

Bradshaw, Maryland 21021

Case Number: 91-209-SPH

Dear Petitioner(s):

E/S Raphael Road, 2751 N Mt. Vista Road 11th Election District - 5th Councilmanic

Petitioner(s): James and Paul Stadler

HEARING: THURSDAY, JANUARY 31, 1991 at 9:30 a.m.

11118 Reynolds Road

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 27th day of December, 1990.

ZONING COMMISSIONER

Petitioner: James Stadler, et ux Petitioner's Attorney: Howard L. Alderman 12 19 90

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Caves Valley Club, Inc., Item No. 167 Caves Valley Club, Inc., Item No. 168 Dianna Lynn Peterson, Item No. 192 Charles F. Hohman, Item No. 213 Russell F. Morris, III, Item No. 218 Laura E. Earles, Item No. 220 Herbert Balzanna, Item No. 221 Terrell R. Johnson, Joseph Hartman, Trustees, Item No. 224 Michael Robert Snowman, Item No. 225 Herbert J. Scism, Item No. 225 James Stabler, Item No. 232

In reference to the above-listed cases, staff offers no comments. If there should be any further questions or if this office can

PK/JL/cmm

DATE: December 17, 1990

Douglas A. Pooley, Item No. 233

provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

NCITEMS/ZAC1

Baltimore County Government Department of Public Works Bureau of Traffic Engineering

401 Bosley Avenue Suite 405 Towson, MD 21204

887-3554 Fax 887-5784

January 9, 1991

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

Please see C.R.G. comments for items number 168, 231 and

Very truly yours,

Kake Helmh. Rahee J. Famili Traffic Engineer II

RJF/lvd

Baltimore County Fire Department 700 East Joppa Road, Suite 901 Towson, Maryland 21204-5500 (301) 887-4500

DECEMBER 14, 1990

Paul H. Reincke

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

Dennis F. Rasmussen

JAMES STADLER AND PAUL STADLER RE: Property Owner:

E/S RAPHAEL ROAD Location:

Zoning Agenda: DECEMBER 26, 1990 Item No.:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Fire Prevention Bureau Special Inspection Division

JK/KEK

Levin & Gann, P. A.

Arnold Jablon, Director January 20, 1992

customer desired lights on the range. A decision in Case No. 92-37-SPH was rendered on November 5, 1991.

Mr. Joseph Larson, Spellman, Larson and Associates, Inc. has recently advised that all necessary County approvals for the balance of the project are expected shortly. Final environmental details are being worked out at present.

Based upon the construction and operation that has been instituted to present, as well as the diligent and timely plan submission for County review and approval, we desire a determination from your office, consistent with the Order of the Deputy Zoning Commissioner in Case No. 91-209-SPH, that the Special Exception has been "utilized" as defined in the BCZR.

Should you need any additional information to enable you to make the requested determination, please contact me.

cc: Mr. James Stadler Mr. Joseph Larson

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. ROBERT HAINES, ZONING COMMISSIONER, DEPARTMENT ZONING

CHARLES E. BURNHAM, PLANS REVIEW CHIEF, DEPARTMENT OF PERMITS & LICENSES

December 19, 1990

ZONING ITEM #: 232 SUBJECT:

PROPERTY OWNER: James Stadler & Paul Stadler LOCATION: E/S Raphael Rd, 275' N of Mount Vista Rd

FIECTION DISTRICT: 11th COUNCILMANIC DISTRICT: 5th

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

() PROPOSED SITE PLAN DOES, DOES NOT. COMPLY TO STATE CODE OF MARYLAND REGULATION 05.01.07, MARYLAND BUILDING CODE FOR THE HANDICAPPED.

() PARKING LOCATION

() RAMPS (degree slope) () CURB CUTS () NUMBER PARKING SPACES () SIGNAGE

() BUILDING ACCESS

() PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.

(X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.

() A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.

() STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS, SECTION 516.0 COUNCIL BILL #158-88 (BALTIMORE COUNTY BUILDING CODE).

PETITIONER(S) SIGN-IN SHEET

11118 Generald - Rei

Sallman Larson Inc . - Towson

1186 A Below Rd. 21087

3735 Cohlans Are 21206

7119 Coutton Rd 21:27

() OTHER -

PLEASE PRINT CLEARLY

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN, A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.

APPLICABLE CODE: 1987 NATIONAL BUILDING CODES AS ADOPTED BY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: December 18, 1990

FROM: Robert W. Bowling, P.E. RE: Zoning Advisory Committee Meeting for December 26, 1990

The Developers Engineering Division has reviewed the subject coming items and we have no comments for Items 213, 221, 224, 225, 226, 230, and 233.

For Items 187, 188, 231 and 232, the previous County Review Group deaments are applicable.

Developers Engineering Division

RWE:s

received

William Donald Schaerer

James Stadler

11118 Reynolds Road

Bradshaw, MD 21201

Maryland Department of Natural Resources Water Resources Administration Tawes State Office Building Annapolis, Maryland 21401

AUG 06 1990

Mt. Vista Greens Public Golf Course

RE: BA90S031/1 Assigned WRA Geologist: Matthew G. Pajerowski

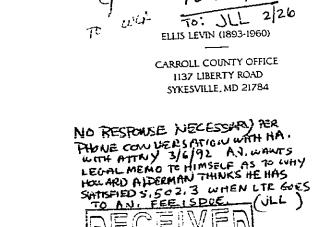
Dear Mr. Stadler:

Your request for a Permit To Appropriate And Use Waters Of The State has been received. A file number and geologist have been assigned as indicated above. Please refer to this number in any correspondence.

IT WILL BE NECESSARY FOR THE APPLICANT TO DEMONSTRATE TO THE WATER RESOURCES ADMINISTRATION THAT ISSUING THE PERMIT WILL NOT JEOPARDIZE THE STATE'S NATURAL RESOURCES; THAT THE PROPOSED APPROPRIATION PROVIDES THE GREATEST FEASIBLE UTILIZATION OF THE WATER; THAT THE PUBLIC SAFETY IS PRESERVED AND THAT SUCH USE PROMOTES THE GENERAL PUBLIC WELFARE. THE PROPOSED APPROPRIATION MUST NOT BE INADEQUATE, WASTEFUL, DANGEROUS, IMPRACTICAL, OR DETRIMENTAL TO THE BEST PUBLIC INTEREST. THIS PROPOSED APPROPRIATION MUST BE FEASIBLE IN EVERY RESPECT. THE QUANTITY OF WATER REQUESTED MUST BE REASONABLE, COMMENSURATE WITH THE PROPOSED USE, AND THE PROPOSED APPROPRIATION MUST NOT HAVE AN UNREASONABLE IMPACT UPON THE WATER RESOURCE OR OTHER USERS OF THAT RESOURCE. The assigned WRA geologist will contact the applicant regarding additional information required to process this application. Later in the process, advertising notices will be required and you will be billed for those costs. ADVOCACY AND DEFENSE OF THE PROPOSED APPROPRIATION AT A PUBLIC INFORMATIONAL HEARING SHALL BE THE SOLE RESPONSIBILITY OF THE APPLICANT.

Enclosed is a Certification of Notification form, a suggested form letter for notifying contiguous property owners and others, and a Processing Procedure & Flow Diagram sheet. These documents contain information important to the processing of the above referenced application. Please read them and follow applicable instructions.

Telephone: (301) 974-2456



HOWARD L. ALDERMAN, JR.

BALTIMORE OFFICE

MERCANTILE BANK & TRUST BUILDING

2 HOPKINS PLAZA

BALTIMORE, MARYLAND 21201

301-539-3700

TELECOPIER 301-625-9050

9TH FLOOR

HAND DELIVERED

Arnold Jablon, Director Office of Zoning Administration and Development Management 111 West Chesapeake Avenue

Dear Mr. Jablon:

We represent the owners of the above-referenced golf facility. Now that County review of all remaining plans is drawing to an end, our clients are proceeding to obtain financing for the balance of construction on the site. In that regard, we must provide evidence from your office of utilization of the previously granted Special

As you may be aware, the original Special Exception (Case No. 89-190-X) was granted on December 16, 1988. That grant required approval by the CRG, without a waiver. CRG approval was finally obtained, after extensive County review, on October 25, 1990. The detailed CRG review required a modification of the proposed development as originally approved by the Deputy Zoning Commissioner.

Our clients sought, by way of Special Hearing, a modification of the previously approved site plan (to bring it into compliance with the approved CRG Plan) and an extension of time for Special Exception utilization or, in the alternative, a finding of utilization. In Case No. 91-209-SPH, the Deputy Zoning Commissioner determined that "utilization of the Special Exception as required by Section 502.3 of the B.C.Z.R. will be satisfied if Petitioner diligently pursues construction as testified at the hearing." (Opinion of D.Z.C. at 3)

The driving range use of the site, as approved by all agencies, has been instituted. The range opened for use and has enjoyed immense popularity. In fact, our clients sought a further modification of the original grant of Special Exception to permit

ELLIS LEVIN (1893-1960) CARROLL COUNTY OFFICE 1137 LIBERTY ROAD SYKESVILLE, MD 21784

A PROFESSIONAL ASSOCIATION 305 W. CHESAPEAKE AVENUE TOWSON, MARYLAND 21204 301-321-0600 TELECOPIER 301-296-2801

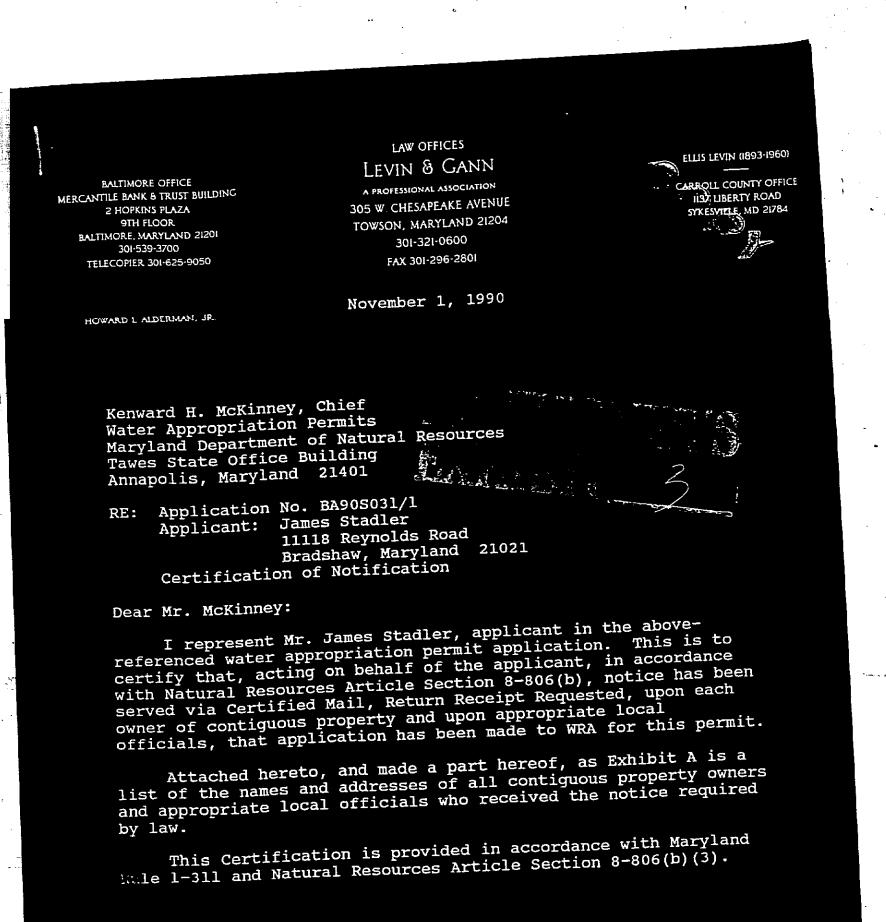
LAW OFFICES

LEVIN & GANN

January 20, 1992

Towson, Maryland 21204 RE: Mt. Vista Greens Confirmation of Utilization of Special Exception

Exception.



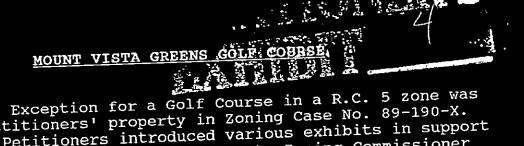
IN RE: PETITION FOR SPECIAL HEARING E/S Raphael Road, 275' N of * DEPUTY ZONING COMMISSIONER Mt. Vista Road 11th Election District * OF BALTIMORE COUNTY 5th Councilmanic District * Case No. 89-190-X James F. Stadler, et al Petitioners FINDINGS OF FACT AND CONCLUSIONS OF LAW

Exhibit 1.

The Petitioners herein request a special exception for a golf course in an R.C. 5 zone, as more particularly described in Petitioner's

The Petitioners, by James F. Stadler, appeared, testified and were represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petition were Joseph Larson with Spellman, Larson & Associates, Inc., and John C. Rohde, with Human & Rohde, Inc. Appearing as Protestants were Ken Holt, President of the Greater Kingsville Civic Association; Kevin Lindsey, and Charlotte Pine.

Testimony indicated that the subject property, zoned R.C.5, is located off of Raphael Road and Mt. Vista Road and consists of 102 acres. Testimony indicated that Petitioners recently purchased the property with the intention of developing it as a golf course. Prior to the hearing, Petitioners met with the members of the community on two occasions to attempt to incorporate their concerns. As a result, Petitioners revised the Petition to increase the landscaping, move the parking lot back from Raphael Road approximately 100 feet further, and to distance the driving range from Raphael Road. Said changes have been incorporated into a revised site plan which has been identified as Petitioner's Exhibit 1.



A Special Exception for a Golf Course in a R.C. 5 zone was granted for Petitioners' property in Zoning Case No. 89-190-X. In that case, Petitioners introduced various exhibits in support of their request. The Order of the Deputy Zoning Commissioner for Baltimore County, dated December 16, 1988, added specific conditions to the requested relief. conditions to the requested relief.

Restriction/Condition No. 3 of said Order required CRG approval of Petitioners' project. The following points reflect refinements of Petitioners' Exhibits Nos. 1, 5 and 6 of Case No. 89-190-X; the below listed refinements were required by the CRG in review and approval of Petitioners' project:

- Parking area was reconfigured and the club house relocated due to existence of wetlands. Both the required parking and the proposed parking were reduced from that which was previously approved.
- The Driving Range was reduced from 30 to 27 tees, thereby reducing the required parking.
- 3. The Putting Green was relocated to allow for the parking reconfigurration.
- The following tees and associated greens were reconfigured to provide necessary stream buffers:
 - a. Hole No. 1 shortened and dogleg added.
 - b. Hole No. 2 relocated with play across stream. Note that play areas and cart crossing have been approved by DEPRM.
 - c. Hole No. 3 lengthened to permit play across stream; green area reduced in size and shifted into presently wooded area. Note that play area and cart crossing have been approved by DEPRM.
 - d. Hole No. 4 relocated and reconfigured, with green area reduced in size with tee area shifted into presently wooded area.
 - e. Hole No. 5 relocated and reconfigured to provide stream buffer, and Pond #3 which will be receiving a portion of the surface water on-site and which will be used for limited irrigation of the tees and greens.
 - f. Hole No. 6 relocated and shortened.

- Hole No. 7 shifted to approximate location of former Hole No. 8 and slightly reconfigured.
- h. Hole No. 8 shifted to previously approved location of Hole No. 9. Hole No. 9 - occupies portion of previously approved Hole No. 10.
- j. Hole No. 10 reduced in length from the previously approved Hole No. 10.
- k. Hole No. 11 no change.
- 1. Hole No. 12 Modified to allow for construction of Pond #2 which will receive a portion of the surface water on-site and which will be used for limited irrigation of the tees and greens.
- m. Hole No. 13 modified to remove delineation of non-existent stream.
- n. Hole Nos. 14-18 no change. Note the addition of Pond #1 which will function as Ponds #2 and #3 described above.



